

SENATE BILL 3817

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 6, relative to monitoring of certain
telecommunications devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, is amended by adding
the following as new Part 4:

Section 40-6-401

(a) As used in this section, unless the context otherwise requires,
telecommunication device means any type of instrument, device, machine, or equipment
that is capable of transmitting telephonic, electronic, digital, cellular or radio
communications, or any part of such instrument, device, machine or equipment that is
capable of facilitating the transmission of telephonic, electronic, digital, cellular or radio
communications. A telecommunication device shall include, but not be limited to,
cellular phones, digital phones and modem equipment devices.

(b) Any public utility or wireless communications provider engaged in the
business of providing communicating services and facilities shall ensure that all
telecommunication devices provided to consumers have the capability to be located by a
satellite based monitoring system or other such system that can geographically position
the location of such telecommunication device.

(c) Law enforcement officers are authorized to find victims of violent crimes
through use of the geographic locations of telecommunications devices provided a judge
authorizes the obtaining of such information.

(d) A law enforcement officer or other authorized person shall certify to the judge
in a written application under oath that the records regarding the location of

telecommunications device is pertinent to a criminal investigation and the nature of the offense under investigation,

(e) The judge may issue a court order authorizing the furnishing and retention of such records. The order shall include the nature of the crime under investigation and the number of the cordless or cellular telephone to be located. An application and order under this section shall be sealed, unless otherwise ordered by the court. Custody of the sealed application and order shall be wherever the judge directs.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.